

**New Hampshire Racing & Charitable Gaming Commission  
Commission Meeting  
Concord Office  
April 30, 2013  
13-05**

Present: Timothy J. Connors, Chairman  
Anthony B. Urban, Secretary  
Frederick H. Booth, Member  
Dennis H. Caza, Member  
Michael J. Gatsas, Member  
Lynn M. Presby, Member  
Paul M. Kelley, Director  
Sudhir K. Naik, Deputy Director  
Charles J. Saia, Legal Coordinator  
Steve Johnston, Supervisor Gaming Operations  
Billie Jean Arseneault, Gaming/Licensing Supervisor  
Linda Glaser, Auditor  
Linda R. Darrow, Administrative Secretary

In Attendance: Averill Cate, Dick Bouley, Nick Bonardi, George Roberts, Edward Callahan, Jamie Timbas, Teresa Rosenberger, Diana Jill Ralleo, Lauren Boardman, Barry Joslin, Josh McKelvin/WMUR and others

The Chairman called the meeting to order at 11:00 a.m. He introduced and welcomed Commissioner Dennis Caza to the Commission.

Under order of business, on a motion by Commissioner Booth, seconded by Commissioner Presby and unanimously voted to appoint Commissioner Urban Secretary of the Commission.

On a motion by Commissioner Booth, seconded by Commissioner Presby and unanimously voted to authorize Commissioner Urban, as Secretary, to sign off on the minutes of the previous meeting.

**Ms Diana Jill Ralleo Hearing**

At 11:05 a.m., the Chairman opened the hearing for Ms. Ralleo relative to the denial of her application for a Secondary Game Operator License for Games of Chance. The chairman swore in those who were to testify:

Ms. Diana Jill Ralleo  
Ms. Billie Jean Arseneault-Gaming/Licensing Supervisor  
Mr. Chuck Saia-Legal Coordinator

After testimony was given, the Chairman asked if anyone else had any testimony or evidence to offer. There being none, the Chairman closed the hearing at 11:15 a.m. On a motion by Commissioner Presby, seconded by Commissioner Urban and unanimously voted, based on all evidence received and all testimony heard, for the following:

**IN THE MATTER OF**  
**Diana Jill Ralleo**  
  
**Decision & Order**  
**Appeal of Denial for a**  
**Secondary Game Operator**  
**Games of Chance License**

**Findings of Fact**

1. On March 14, 2013, the RCGC received a Secondary Game Operator License Application from Ms. Diana Jill Ralleo, DOB 10/20/1959, 104 Ashton Court, West Deptford, NJ 08051. The application requested employment as a primary game operator for Oceanfront Gaming, Inc. Licensing Supervisor Billie Jean Arseneault reviewed Ms. Ralleo's application for licensure.
2. Ms. Ralleo noted on her application, at page 2, Section 3, Items A& D that she had been convicted of a crime and that she was on probation.
3. Ms. Ralleo signed her application on February 26, 2013, and certified that the information which she provided was true, accurate and complete.
4. Pursuant to a duly executed (by Ms. Ralleo) authorization for the release of criminal history record, the RCGC received a copy of Ms. Ralleo's State of NH Criminal History Record and Federal Background Investigation Results on March 18, 2013.
5. Supervisor Arseneault reviewed Ms. Ralleo's Criminal History Record(s).
6. Supervisor Arseneault noted that Ms. Ralleo's NH Criminal History Record(s) revealed that she did not possess a record in NH. However, the FBI fingerprint search revealed that on December 13, 2010, she received a guilty conviction from the Brockton District Court (MA) for Operating under the Influence of Liquor, 2<sup>nd</sup> Offense. The record reflects that she received fines and probation.
7. On March 20, 2013, after reviewing the application in conjunction with the Criminal History Record, Supervisor Arseneault denied Ms. Ralleo's Application and notified her of the same via certified mail, return receipt requested. Supervisor Arseneault notified Ms. Ralleo of her appellate rights and enclosed an appeal form. Ms. Arseneault's denial was based upon the prior Massachusetts conviction, which she determined is analogous to a New Hampshire Class A misdemeanor.
8. Ms. Ralleo filed her Appeal Form with the RCGC on April 2, 2013.
9. On April 22, 2013, Legal Coordinator Saia notified Ms. Ralleo of her appeal hearing date (scheduled for April 30, 2013) via certified mail, return receipt requested.
10. At the April 30, 2013 hearing, Ms. Ralleo provided testimony, which, in part, referenced:
  - a. Ms. Ralleo was aware that she may have an attorney represent his interests before the Appeal Hearing; however she desired to proceed without a lawyer.
  - b. Ms. Ralleo was aware that the audio portion of the Appeal Hearing was being "tape recorded".
  - c. Ms. Ralleo acknowledged that the 2010 Massachusetts conviction was duly attributable to her.

- d. Ms. Ralleo stated that she had made a mistake in 2010. She confirmed that it was her desire to never have any future dealings with law enforcement. Ms. Ralleo explained that she had learned from the event.
- e. Ms. Ralleo stated that it was her earnest desire to work as a secondary game operator.

### **Conclusions of Law**

1. Pursuant to RSA 287-D:2-b VI, "...no person who has in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court, or who has violated any of the statutes or rules governing charitable gambling in the past shall operate a game of chance licensed under this chapter, ...".
2. Pursuant to RSA 287-D:8, II, the Commission has the authority to determine eligibility and fitness for licensure.
3. The Commission concludes that each appeal and license application is separate and distinct from every other appeal and license application and a decision on an appeal or license application is based on the information received regarding that specific application.
4. Based on testimony given and information received, the Commission determined Ms. Ralleo's eligibility and fitness for licensure.
5. Based on testimony given and information received, the RCGC concludes, pursuant to RSA 287-D:8, II, that Ms. Diana Jill Ralleo is fit to be associated with games of chance, and therefore she is eligible for licensure and she is fit to be associated with games of chance, as a secondary game operator.

### **Order**

The Racing & Charitable Gaming Commission orders that the denial of Ms. Diana Jill Ralleo's Secondary Game Operator Application for a Game Operator License is **REVERSED**.

On a motion by Commissioner Urban, seconded by Commissioner Booth and unanimously voted to approve and place on file the minutes dated April 4, 2013.

On a motion by Commissioner Urban, seconded by Commissioner Presby and unanimously voted to place on file the racing & charitable gaming statistics for the fiscal period of July 1, 2012 – March 31, 2013.

On a motion by Commissioner Urban, seconded by Commissioner Booth and unanimously voted to accept and place on file the Games of Chance/Bingo/Lucky 7 warning letters/late financials spreadsheets. Deputy Director Naik noted some late financials were pending and staff was in the process of contacting the organizations. All financials are due by May 4<sup>th</sup>.

The Games of Chance State Revenue spreadsheets were reviewed. On a motion by Commissioner Presby, seconded by Commissioner Urban and unanimously voted to accept and place on file.

Legal Coordinator Saia provided an overview of the legislative update:

- HB 314 (relative to raising limits in games of chance) – is currently in the Senate.

- SB 75 (relative to games of chance) – no action has been taken. House to revisit in two weeks. Facing some opposition.
- SB 152 (relative to video lottery & table gaming) – Director Kelley and Legal Coordinator Saia have attended numerous hearings and continue to do so. Another hearing is scheduled for May 1<sup>st</sup> at 10:00 a.m. Director Kelley also testified at some of these hearings.

Ms. Lauren Boardman, Chair of the Nashua Police Athletic League (PAL) addressed the Commission on PAL's request to appoint Joslin Mechanical to operate their Bingo. Mr. Barry Joslin was also in attendance. Discussion ensued. Staff reported that the request does not meet statutory requirements. It was noted that the law could be changed but would need to be done by the legislature, in conjunction with the Commission and the industry. On a motion by Commissioner Presby, seconded by Commissioner Urban and unanimously voted to table this request. For the record, Commissioner Gatsas asked Legal Coordinator Saia to read the applicable statute, 287-E:7 Operation of Bingo Games. "I.(a) *Only bona fide members of the charitable organizations shall operate bingo games; except that, if all bona fide members of a charitable organization are under 18 years of age, adult officers or directors of the charitable organization or parents or legal guardians of bona fide minor members, who have been authorized by the officers or directors of the charitable organization, shall operate the games. Proof of bona fide membership shall be required.*"

A request was received from Mr. Newman, Lobbyist for the River Card Room, requesting the Commission to make a declaratory ruling that Bingo can begin at 9:00 a.m. on Saturdays. Mr. Newman noted that the statute does not address start times on Saturday (287-E:7 IV). Discussion ensued. On a motion by Commissioner Presby, seconded by Commissioner Booth and unanimously voted to deny the request.

Discussion turned to the sale of Lucky 7 tickets and bingo games. It was determined staff would research the rules and work with the industry to define how many cards constitute bingo and address other bingo related matters the industry may have.

#### Tabled

- a. *Casino Game Rental Bond Issue*: Request by Surety Company for RCGC release. On a motion by Commissioner Gatsas and seconded by Commissioner Urban, the item was taken off the table. On a motion by Commissioner Gatsas, seconded by Commissioner Booth and unanimously voted to place the item on file.

#### Action

- a. *Douglas Press – request for Lucky 7 ticket approval*. This item continues to be a work in progress. Staff will work with Douglas Press and the industry to reach resolution as quickly as possible.

#### Correspondence:

- a. Director Kelley stated this first item should have been placed in non-public. On a motion by Commissioner Booth, seconded by Commissioner Urban and unanimously voted to move the item to non-public. (Email from Mr. Newman regarding redemption slot machines/Lake Region Casino)
- b. Summary of RCGC monthly activities for the month ended March 2013 was accepted and placed on file.

#### Old Business:

None

New Business:

- Commissioner Presby directed staff to develop a general confidentiality policy for the office to assure that confidential matters remain confidential.
- Meat raffles – Director Kelley noted staff researched and found them to be raffles, not games of chance, and are not regulated by RCGC.

There being no questions or comments from the audience, at 12:00 noon, on a motion by Commissioner Booth, seconded by Commissioner Urban and by a unanimous roll call vote the Commission voted to adjourn the regular meeting and go into nonpublic session as allowed under RSA 91-A:3, I (b), II(c) and II(j)

Connors	-	Yes
Caza	-	Yes
Booth	-	Yes
Gatsas	-	Yes
Presby	-	Yes
Urban	-	Yes

At 12:45 p.m., on a motion by Commissioner Booth, seconded by Commissioner Presby and by a unanimous roll call vote the Commission voted to come out of the nonpublic session and permanently seal the nonpublic minutes.

Connors	-	Yes
Caza	-	Yes
Booth	-	Yes
Gatsas	-	Yes
Presby	-	Yes
Urban	-	Yes

The next meeting is scheduled for Wednesday, May 15th at 11:00 a.m., location to be determined.

The Chairman closed the public meeting at 12:50 p.m.

Respectfully Submitted,

Secretary  
Anthony B. Urban